

JAN 17 2019

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,)
v.)
TERRY L. ZINTEL,)
Defendant.)

4:19CR00050 HEA

INFORMATION

The United States Attorney charges that:

COUNT I
(False, Fictitious, or Fraudulent Claims)

At all times pertinent to the charges in this Information:

1. The Internal Revenue Service allows an individual or entity to claim a refundable tax credit for qualified bio-diesel fuel.
2. An individual or entity can mix bio-fuel with diesel and the individual or entity can then accordingly claim a tax credit for the mixed fuel after the fuel is sold.
3. From 2012 to 2014, the Defendant, Terry L. Zintel was a 50% owner and operator of a bio-fuel plant called Midwest Biodiesel located in Roxanna, Illinois. Midwest Biodiesel was in the business of mixing bio-fuel and diesel and selling the mixture as bio-diesel fuel. Midwest Biodiesel conducted business with customers located within the Eastern District of Missouri and elsewhere.

4. Midwest Biodiesel performed the fuel mix prior to selling the fuel, thereby becoming eligible for a \$1.00 per gallon tax credit from the Internal Revenue Service.

5. The Defendant oversaw the fuel mixing process at Midwest Biodiesel and directed the preparation of Form 8849, which allowed Midwest Biodiesel to claim the fuel tax credits from the Internal Revenue Service. Form 8849 permitted a claimant to claim tax credits for multiple sales of fuel occurring on different days.

6. In order to claim the \$1.00 per gallon tax credit, Midwest Biodiesel's production of bio-diesel fuel was required to meet certain standards and parameters established by the American Society of Testing and Materials ("ASTM").

7. Form 8849 states that the bio-diesel fuel meets federal ASTM standards and an individual who signs, submits and/or causes the claim to be submitted attests that the bio-diesel fuel does, in fact, meet all federal ASTM standards.

8. On various occasions, the Defendant himself altered and directed others to alter certain aspects of the computerized fuel test results to show that the bio-diesel fuel met all of the federal ASTM standards when, in fact, the fuel failed one or more of the ASTM parameters.

9. On or about May 22, 2013, the defendant

TERRY L. ZINTEL,

presented and caused to be presented to the United States Internal Revenue Service a claim upon the United States Internal Revenue Service, that is a Form 8849 Claim for Refund for Excise Taxes for 826 gallons of fuel sold on or about May 17, 2013 and 3,501 gallons of fuel sold on the same date for a total tax credit of \$4,327.00, knowing that the claim was false, fictitious and fraudulent in that the aforementioned fuel failed one or more ASTM specification requirements

that the fuel was required to meet in order to be eligible for the tax credit, and said false, fictitious and fraudulent claim was material to the United States Internal Revenue Service in that the tax credits would not have been approved if the Internal Revenue Service had known that the fuel failed one or more ASTM specification requirements,

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT II
(False, Fictitious, or Fraudulent Claims)

The United States Attorney further charges that:

10. The allegations contained in paragraphs 1 to 8 of Count I of this Information are incorporated by reference as if fully set forth herein.

11. On or about June 13, 2013, the defendant

TERRY L. ZINTEL,

presented and caused to be presented to the United States Internal Revenue Service a claim upon the United States Internal Revenue Service, that is a Form 8849 Claim for Refund for Excise Taxes for 7,201 gallons of fuel sold on or about May 2, 2013 and 5,615 gallons of fuel sold on the same date for a total tax credit of \$12,816.00, knowing that the claim was false, fictitious and fraudulent in that the aforementioned fuel failed one or more ASTM specification requirements that the fuel was required to meet in order to be eligible for the tax credit, and said false, fictitious and fraudulent claim was material to the United States Internal Revenue Service in that the tax credits would not have been approved if the Internal Revenue Service had known that the fuel failed one or more ASTM specification requirements,

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT III
(False, Fictitious, or Fraudulent Claims)

The United States Attorney further charges that:

12. The allegations contained in paragraphs 1 to 8 of Count I of this Information are incorporated by reference as if fully set forth herein.

13. On or about September 9, 2013, the defendant

TERRY L. ZINTEL,

presented and caused to be presented to the United States Internal Revenue Service a claim upon the United States Internal Revenue Service, that is a Form 8849 Claim for Refund for Excise Taxes for 7,201 gallons of fuel sold on or about August 28, 2013 and 1,441 gallons of fuel sold on or about August 29, 2013 for a total tax credit of \$8,642.00, knowing that the claim was false, fictitious and fraudulent in that the aforementioned fuel failed one or more ASTM specification requirements that the fuel was required to meet in order to be eligible for the tax credit, and said false, fictitious and fraudulent claim was material to the United States Internal Revenue Service in that the tax credits would not have been approved if the Internal Revenue Service had known that the fuel failed one or more ASTM specification requirements,

In violation of Title 18, United States Code, Sections 287 and 2.

JEFFREY B. JENSEN
United States Attorney


GILBERT C. SISON, #52346MO
Assistant United States Attorney

UNITED STATES OF AMERICA)
EASTERN DIVISION)
EASTERN DISTRICT OF MISSOURI)

I, Gilbert C. Sison, Assistant United States Attorney for the Eastern District of Missouri, being duly sworn, do say that the foregoing information is true as I verily believe.

Gilbert C. Sison
GILBERT C. SISON

Subscribed and sworn to before me this 14th day of December 2018.

Sherry Linkous
CLERK, U.S. DISTRICT COURT

By: Elizabeth Kullman
DEPUTY CLERK